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PCT Petition

From  
Heidi M. Berven  
Patent Attorney

Copies

Subject  
Petition to Revival  
Application No.: 10/551325

# URGENT

## Fax

Fax number  
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Date  
29 November 2005      Total pages  
8

Reference  
Our Ref 100870-1P US

Please see attached documents

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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

**Total Number of Pages In This Submission**

Application Number	10/551325
Filing Date	September 23, 2005
First Named Inventor	Micahel Barry Gravstock
Art Unit	Not yet known
Examiner Name	Not yet known
Attorney Docket Number	100870-1P US

**ENCLOSURES**      (Check all that apply)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copies of Petition for Revival documents
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b>	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	AstraZeneca
Signature	
Printed name	Heidi M. Berven
Date	Nov 29 2005
	Reg. No. 48951

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature		Date	November 29, 2005
Typed or printed name	Audrey Williams		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Express Mail Label No.: ED 908733412 US  
Attorney Docket No.: 100870-IP US

1 of 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gravestock et al	Filed: Herewith
Application No.: Not yet assigned	Attorney Docket No.: 100870
PCT Application No.: PCT/GB2004/001119	Examiner: Not yet assigned
Title: ANTIBACTERIAL 1,3-OXAZOLIDIN-2-ONE DERIVIATIVES	

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**COMMUNICATION SUBMITTED WITH PTO/SB/64**  
**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT**  
**DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

As provided in PTO/SB/64 attached herewith, Form PTO-1390 and the relevant fee for the captioned application was due for submission to the United States PTO on September 20, 2005. Form PTO-1390 and the relevant fee were unintentionally filed on September 21, 2005. Applicants hereby respectfully request revival of the application and reinstatement of Applicants' priority rights under 37 C.F.R. §1.137(b), in light of PCT Rule 82.2.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100870.

Respectfully submitted,

Name: Heidi Berven  
Dated: Sept 23, 2005  
Reg. No.: 48,951  
Phone No.: 781-839-4336  
Global Intellectual Property, Patents,  
AstraZeneca R&D Boston,  
35, Gatehouse Drive,  
Waltham,  
MA 01760

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PTO/SB/64/PCT (12-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) <b>100870-1P-US</b>
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First Named Inventor: Michael Barry Gravestock

International (PCT) Application No.: PCT/GB2004/001119

U.S. Application No.:  
(if known)

Filed: March 20, 2003

Title: Antibacterial 1,3-Oxazolidin-2-one Derivatives

Attention: PCT Legal Staff

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

### APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
 See 37 CFR 1.27.

Other than small entity - fee \$ See 1 \_\_\_\_\_ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of  
Form PTO-1390 (identify type of reply):

has been filed previously on \_\_\_\_\_ See 2 in Addendum

*Up*  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## 3. Terminal disclaimer with disclaimer fee

- Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Sept. 23

Date

Heidi M. Berven

Typed or Printed Name

48,951

Registration Number, if applicable

AstraZeneca R&D Boston

Address

781-839-4336

Telephone Number

35 Gatehouse Drive Waltham MA 02451

Address

Enclosures:  Response Fee Payment Terminal Disclaimer Other (please identify):*Copies of Form 1390 and associated information*

**COPY****Addendum**

1. 1500. Please charge Deposit Account No. 50-3231, referencing Attorney Docket No. 100870-1P-US
2. September 21, 2005. The fee and 1390 form were due on September 20, 2005. The fee and form were unintentionally filed on September 21, 2005.

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FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.												

EXPRESS MAIL LABEL NO: ED 908733412 US

**In re: US National Entry  
Title: ANTBACTERIAL 1,3-OXAZOLIDIN-2-ONE DERIVATIVES**

## Title: ANTIBACTERIAL 1,3

Inventor(s): Graves  
Date Filed: Herewith

Date Filed: Herewith  
Receipt is hereby acknowledged for the following in the United States Patent and Trademark Office:  
  
*(Signature)*

1. Petition for Revival of an Application (3 sheets)
  2. Communication submitted with PTO/SB/64 (1 sheet)
  3. Attachments (7 documents)
  4. Postcard

Attorney Docket No.: 100870-1P US Ref: HBE/bw

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